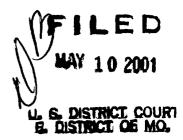
UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION



UNITED	ST	ATES OF A	MERICA,)					
		Pla	intiff,)					
		v.)	No.	4:01	CR	209	CAS
MAKSYM	I.	POPOV,)					DDN
		Def	endant.)					

ORDER CONCERNING PRETRIAL MOTIONS

IT IS HEREBY ORDERED that, not later than May 17, 2001, pursuant to Federal Rule of Criminal Procedure 12(d), the government shall disclose to each arraigned defendant the arguably suppressible evidence it intends to offer at trial against said defendant.

IT IS FURTHER ORDERED that, not later than May 24, 2001, each party may serve in hand on the opposing party(ies), and may file with the court, any request for pretrial disclosure of evidence or information. Not later than May 31, 2001, the parties shall respond to any such requests for pretrial disclosure of evidence or information and may file with the court a copy of any such response. To avoid a proliferation of documents, to the extent practicable, each party shall combine all such requests for disclosure and the responses thereto in one Request for Disclosure document and in one Response to Request for Disclosure document, with each separate item of information or evidence discussed being a subpart of said document.

IT IS FURTHER ORDERED that, as soon as practicable but not later than June 7, 2001, the United States shall file a motion for a pretrial determination of admissibility of evidence. The

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defendant shall respond to said motion. The parties may also file any other relevant pretrial motion(s) on or before June 7, 2001.

IT IS FURTHER ORDERED that if the defendant chooses not to file any pretrial motions, counsel for the defendant shall file with the court, not later than June 7, 2001, a memorandum attesting that there are no issues that the defendant wishes to raise by way of pretrial motion; that counsel has personally discussed this matter with the defendant; and that the defendant agrees and concurs in the decision not to raise any issues by way of pretrial motions.

IT IS FURTHER ORDERED that any pretrial motion seeking a court order for the production of evidence or information from the opposing party, and each motion to suppress evidence, shall contain a statement of counsel that movant's counsel has personally conferred with counsel for the opposing party about the issue(s) raised in the motion(s), that there is a good faith belief that the information or evidence exists about which discovery is sought or which the defendant seeks to have suppressed, and (for motions for disclosure) that the disclosure of said information or evidence has been refused by the opposing party.

IT IS FURTHER ORDERED that with respect to any motion to dismiss an indictment or an information:

- 1. if the said motion argues the subject indictment or information is vague, uncertain, indefinite, multiplicitous, duplicitous, violates Federal Rule of Criminal Procedure 7(c), or is in some other way legally insufficient on its face, the aforesaid motion shall identify the necessary, missing allegation, or the legally insufficient allegation, or any other reason for the aforesaid argument, together with supporting citation of authority;
- 2. if the said motion argues the subject indictment or information is not supported by legally sufficient evidence, the

said motion shall identify the specific factual basis for such an assertion, together with supporting citation of authority; and

3. if the said motion argues the subject indictment or information is based upon law(s) which is (are) illegal, void, or unconstitutional, the said motion shall specify the subject law(s) and the basis for said argument.

IT IS FURTHER ORDERED that, if a due date falls on a weekend or holiday, the due date for compliance shall be the next business day.

IT IS FURTHER ORDERED that an evidentiary hearing on the pretrial motions is set for June 18, 2001, at 10:00 a.m. Unless otherwise ordered, each defendant is required to be present at the evidentiary hearing on said defendant's motion(s). If said defendant is not present at the hearing, the hearing may go forward in the defendant's absence.

IT IS FURTHER ORDERED that, as directed by the District Judge, this matter is set for a jury trial on July 2, 2001, at 9:00 a.m.

UNITED STATES MAGISTRATE JUDGE

Signed this ____ day of May, 2001.

UNITED STATES DISTRICT COURT -- EASTERN MISSOURI INTERNAL RECORD KEEPING

AN ORDER, JUDGMENT OR ENDORSEMENT WAS SCANNED, FAXED AND/OR MAILED TO THE FOLLOWING INDIVIDUALS ON 05/10/01 by dbraun 4:01cr209 USA vs Popov

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